

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JONATHAN A. VALENTINE,

Defendant.

8:18CR102

ORDER

This matter is before the Court on the defendant's request for copies of the plea agreement, amended judgment and commitment, and evidence log sheets. (Filing No. 73). The defendant requests the copies be provided at no cost because he is indigent. The defendant does not have the right to receive copies of documents without payment, even if he has leave to proceed in forma pauperis. See 28 U.S.C. § 1915; *Lewis v. Precision Optics, Inc.*, 612 F.2d 1074, 1075 (8th Cir. 1980). Although the defendant has filed a notice of appeal from the Court's judgment denying his motion under 28 U.S.C. § 2255, the Court did not issue a certificate of appealability because Defendant did not make a substantial showing of the denial of any constitutional right. (Filing No. 64). Nor is production of these materials necessary to the United States Court of Appeals for the Eighth Circuit, as that court has indicated that it will rely on the electronic version of the record. (Filing No. 69). Accordingly, this Court is not inclined to order copies of documents made at government expense without a pending appeal or some showing of need for the documents. The defendant may pay the Clerk of the Court for copies at the established rate of 50¢ per page. Accordingly,

IT IS ORDERED: The defendant's request for free copies (Filing No. 73) is denied. The defendant may purchase copies of the requested documents at a rate of 50¢ per page from the Clerk's Office of the United States District Court.

Dated this 1st day of November, 2019.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge